

DOCKET NO.: 218429US2SRD/sal

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Miharu MUKAI, et al.

SERIAL NO: 10/053,544

GROUP: 2681

EXAMINER: NGUYEN, HUY D

FILED: January 24, 2002

FOR: MOBILE RADIO COMMUNICATION APPARATUS CAPABLE TO  
PLURALITY OF RADIO COMMUNICATION SYSTEMS

**APPLICATION OF PREVIOUSLY PAID ISSUE FEE IN  
ACCORDANCE WITH SECTION 1308.01 MPEP**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application was withdrawn from Issue after payment of the Issue Fee in the amount of \$1700.00 (Issue Fee \$1400.00 + Pub. Fee \$300.00).

The application has now been allowed again and since a refund of the previously paid Issue Fee has not been requested, it is now requested that the previously paid Issue Fee be applied to the Issue Fee being paid herewith. Enclosed herewith is a copy of the Petition Granted.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Marvin J. Spivak

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Raymond F. Cardillo, Jr.

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(OSMMN 05/04)



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
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[www.uspto.gov](http://www.uspto.gov)

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

In re Application of

Manabu Mukai et al

Application No. 10/053,544

Filed: January 24, 2002

Attorney Docket No. 218429US2SRD

RECEIVED: 11/14/05  
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.

DOCKETING DEPT.

Initials/Date Docketed: MM/17/05

Type of Resp(s): \_\_\_\_\_

Due Date(s): \_\_\_\_\_

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OFFICE OF PETITIONS  
ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 9, 2005, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on July 20, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to Wan Laymon at (571) 272-3220.

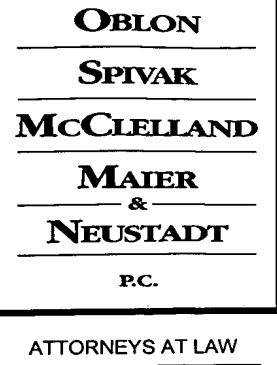
This matter is being referred to Technology Center AU 2681 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

*Wan Laymon*  
Wan Laymon  
Petitions Examiner  
Office of Petitions

<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



Docket No.: 218429US2SRD



COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 10/053,544

Applicants: Manabu MUKAI, et al.

Filing Date: January 24, 2002

For: MOBILE RADIO COMMUNICATION APPARATUS  
CAPABLE TO PLURALITY OF RADIO  
COMMUNICATION SYSTEMS

Group Art Unit: 2681

Examiner: NGUYEN, H.

SIR:

Attached hereto for filing are the following papers:

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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DOCKET NO: 218429US2SRD



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

MANABU MUKAI, ET AL.

: EXAMINER: NGUYEN, H.

SERIAL NO: 10/053,544

:

FILED: JANUARY 24, 2002

: GROUP ART UNIT: 2681

FOR: MOBILE RADIO  
COMMUNICATION APPARATUS  
CAPABLE TO A PLURALITY OF RADIO  
COMMUNICATION SYSTEMS

:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant acknowledges with appreciation the indication of allowability of the claimed invention. In response to the Examiner's Statement of Reason for Allowance in the Notice of Allowance of February 7, 2006, Applicant respectfully submits the following comments.

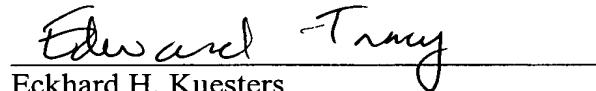
The Examiner's Statement of Reasons for Allowance on page 4 of the Notice of Allowance mailed February 7, 2006 states in part:

(d) said controller grasps said excessive source amount when the obtained resource amount is smaller than the initial resource amount; (e) said controller determines if it is possible to additionally define said newly requested signal processing function to said resource by comparing the grasped excessive resource amount with the resource amount necessary for defining, to the resource, the newly required signal processing function of the resource.

However, it is respectfully noted that the above description does not reflect the amendment to Claim 8 submitted on April 13, 2005. Accordingly, it is respectfully submitted that Claim 8 should be construed based on the amendment filed April 13, 2005, not the original claim language quoted by the Notice of Allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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